

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

S.C. Forestry Commission,)	Civil Action No. 4:24-3208-MGL
)	
Plaintiff,)	
)	
v.)	
)	
Linda B. Nichols, a/k/a Linda Bellamy Nichols,)	<u>OPINION AND ORDER</u>
)	
Defendant.)	
)	

On May 28, 2024, Plaintiff Linda B. Nichols, a/k/a Linda Bellamy Nichols (“Plaintiff”) proceeding pro se, filed a Notice of Removal purporting to remove all claims and causes of action associated with arrest warrants issued by the Aynor Magistrate Court in Aynor, South Carolina, and the General Sessions Court in Conway, South Carolina, and prosecuted by the South Carolina Forestry Commission. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Kaymani D. West for pretrial handling. On June 4, 2024, the Magistrate Judge issued a Report and Recommendation finding Plaintiff failed to establish subject matter jurisdiction and recommending the case be remanded to the Horry County Court. ECF No. 7.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

Plaintiff was advised of her right to file objections to the Report and Recommendation. ECF No. 7 at 3. However, she has not done so and objections were due on June 18, 2024. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the Court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is **remanded to the appropriate Horry County Court(s)** for the reasons set forth in the Report and Recommendation.

IT IS SO ORDERED.

/s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina

July 22, 2024.